

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.117 OF 2006

Indian Express Newspapers(Mumbai)
 Ltd. and Ors. ..Applicants.

V/s.

Mr.B G N Iyengar & Anr. ..Respondents.

Mr.S.R.Chitnis, Sr.advocate with Vinayak Shete i.b.
 Ms.Poorvi Kamani for applicants.

Mr.V.C.Gupta, Sr.Counsel for CBI.

Shri Y.S.Shinde, APP for State.

CORAM: A.M.KHANWILKAR, J

DATE : FEBRUARY 6, 2006.

P.C. :

1. This petition is filed for review of my order dated 29th November, 2005 in Criminal Revision Application No.331 of 2003. It is well established position that there can be no review in criminal jurisdiction. Hence, Petition ought to fail on this count.

2. Mr.Chitnis, learned counsel appearing for the Review Petitioners submits that the attempt of the petitioners is to seek limited clarification from this court to the effect that the Review Petitioners are entitled to rely on the documents which are

already part of the record before the trial court pressed into service by the prosecution.

3. It is not necessary for this court to make any observation about the appropriateness of those documents. I have already made it clear in order dated 29th November, 2005, which is under review that all questions are left open. If any such contention is raised before the trial court, it will be open to the trial court to decide the same in accordance with the law as the proceedings have been remitted back for denovo consideration to the Sessions Court, for consideration of the revision application preferred by the review petitioner.

4. Petition disposed of on the above terms.